



# Kaplan Gilman & Pergament LLP

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December 14, 2010

**VIA ECF and FACSIMILE (973) 645-2469**

The Honorable Esther Salas  
United States Magistrate Judge  
United States District Court for the  
District Court of New Jersey  
50 Walnut Street  
Newark, NJ 07101-0419

**Re: Marlowe Patent Holdings v. Dice Electronics, LLC, et al.**  
**Civil Action No. 2:10-cv-01199-PGS-ES**  
**Our Reference No. 931-002**

Dear Judge Salas:

We represent plaintiff Marlowe Patent Holdings, LLC ("Marlowe") in the above matter. We write to request a short extension of the due dates with respect to the parties' discovery dispute.

Previously, the Court ordered that the parties exchange their positions on the pending discovery disputes by December 15, 2010, and that a joint submission to the Court be made by January 5, 2010. Further, a court appearance on the discovery dispute was set for January 20, 2010. (Order of November 17, 2010) The Court recently *sua sponte* changed the date for the appearance to February 1, 2010.

Marlowe requests that the December 15<sup>th</sup> and 22<sup>nd</sup> dates be moved to December 24, 2010 and January 3, 2010, respectively, and the January 5, 2010 date be moved back to January 14, 2010, corresponding approximately to the change in date for the court appearance.

The reason for the requested extension is that the undersigned's litigation schedule has been extremely active recently, with several cases having a significant amount of activity and several matters requiring travel. As a result, the undersigned is not going to be able to complete the required tasks by the December 15 due date. We also note that while we cannot report settlement with any of the defendants at this time, talks with several have moved significantly, and it is still possible Marlowe may reach a settlement with one or more defendants prior to the due date for the submission. Finally, the requested extension is less than the amount of time by which the Court already delayed the argument date, so the Court will still have the joint submission even further in advance of the argument date than originally contemplated.

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(MICHAEL R. GILMAN, A NAME PARTNER, IS A MEMBER OF THE NY AND CT BARS ONLY)

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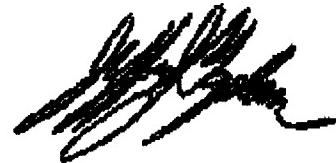
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Yesterday, we advised all defendants counsel we would be making this request. Counsel for LTI responded by indicating it would be prepared to serve its portion of the joint submission by December 15, but did not indicate whether LTI consented. We have not yet received responses from any of the remaining defendants.

Marlowe respectfully requests this short extension be granted.

Respectfully submitted,

KAPLAN GILMAN & PERGAMENT LLP



Jeffrey I. Kaplan

JIK/pa

c: Counsel of record, via ECF

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oral argument will now take  
place on February 17, 2011 at 10:00am.

So Ordered:  
Esther Salas, USM  
12/14/10